

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

LIZA ENGESSER, MARISOL GETCHIUS,
GEETANJALI SEEPERSAUD by her Next Friend
SAVITRI SEEPERSAUD, and MARIA JAIME on
her own behalf and as Next Friend to Y.P.S. AND
C.P., individually and on behalf of all persons
similarly situated, BROOKLYN CENTER FOR
INDEPENDENCE OF THE DISABLED, and
REGIONAL CENTER FOR INDEPENDENT
LIVING,

Plaintiffs,

v.

JAMES V. MCDONALD, as Commissioner of the
New York State Department of Health,

Defendant.

Dkt. No.: 25-CV-1689

**DECLARATION OF SARAH
KLEIN**

DECLARATION OF SARAH KLEIN

Sarah Klein hereby declares, under penalty of perjury, pursuant to 28 U.S.C. 1746, that:

1. I am the designated Medicaid representative and court-appointed Article 17-A legal guardian for my son, Shalom Tzvi Klein, and I direct his homecare services.
2. My son is 32 years old, and lives in Brooklyn, New York.
3. My son has been diagnosed with Intellectual Disability, Lennox-Gastuat Syndrome (LGS) with uncontrolled seizures, partial agenesis (congenital malformations) of the corpus collosum, sleep apnea, desaturation, and gastric issues, among other conditions.
4. My son receives CDPAP services.

5. His plan of care is that he receives 24 hours of care per day, with 12 hours in the daytime of Licensed Practical Nurse services (from 8am to 8pm) and 12 hours in the nighttime of CDPAP services (from 8pm to 8am). His personal assistants work in twelve hour shifts.
6. My son has three personal assistants. One is my son's aunt. The other two are not family members.
7. I first learned that there would be a CDPAP transition to PPL in January, after I received a letter about it from my son's Medicaid Plan.
8. In February, I called PPL and completed all of the paperwork for my son.
9. For my son's first personal assistant, I helped her enroll at the end of February or beginning of March. I went to Hamaspik with her, and we completed her registration and uploading all of her paperwork.
10. For my son's second personal assistant, I helped her to complete her registration on her phone at the beginning of March.
11. For my son's third personal assistant, I helped her complete her registration on the computer in March.
12. Three weeks ago, I called PPL on the phone and a PPL representative told me that my son and his three personal assistants were all fully registered.
13. Last week, I created an online PPL account and saw that PPL still needed my information as the designated representative for my son, and also needed my information as the legal guardian for my son. The website required that I put in one number and email for my son, a second number and email for myself as my son's designated representative, and third number and email for myself as my son's legal guardian. My son does not use email or the phone.

14. For the first personal assistant, she got a text message on March 31, saying that she had not completed registration. I went online and saw it was missing a copy of her passport, which we already submitted. I submitted it again. The website also said it was missing a copy of her social security card, which we already submitted. I am working to re-submit it. The overall status for this personal assistant says "returned." The website did not give any other information for what was returned, when it was returned, or why it was returned. I do not understand what "returned" means.
15. For the second personal assistant, I went to the PPL website for her on March 31, and it also shows that her status is "returned." The website did not give any other information for what was returned, when it was returned, or why it was returned. I do not understand what "returned" means.
16. For the third personal assistant, I went to the PPL website for her on March 31. It shows that her status is "complete."
17. Yesterday, on April 1, the first personal assistant tried to clock in to both systems (the old Fiscal Intermediary system and the PPL system). Because we have not been able to finish registration for everyone, it was not clear to us which system we should use.
18. The first personal assistant was able to clock into the old Fiscal Intermediary clock-in system through Chinese American. She clocked in last night at 8pm and clocked out this morning at 8am.
19. However, the first personal assistant was unable to clock into PPL at 8pm last night as we expected. She was unable to clock in using the phone that we have designated for my son's personal assistants to use for clock in. Instead, we realized that the first personal assistant was only able to clock into PPL last night using my personal phone.

20. I used my personal phone number to register my son with PPL back in February. I did so because my son is nonverbal, so if PPL had called the phone that we keep in his room for his personal assistants to use, my son would not be able to answer the phone. We decided to use my personal phone number instead.
21. However I am concerned about my son's personal assistants only being able to clock in using my personal phone. I take my personal phone with me when I leave the house, and I am not always home when my son receives CDPAP services.
22. I have spent at least 50 hours trying to enroll all of us into PPL since February. Since February, I have continued to call PPL regularly. I am rarely able to get through. Sometimes the call drops me. Sometimes I press "1" for a call back but no one calls me back. I have also tried calling my son's old Fiscal Intermediary, which is now a CDPAP Facilitator, but they have not been able to help us.
23. My son needs care 24 hours a day, 12 of which (overnight) is CDPAP. It will be a significant hardship for our family if his personal assistants are not paid because we rely on that care for my son's around-the-clock needs. His personal assistants will not be able to continue coming to work if they are not paid. I really do not know how we will care for my son if they do not keep coming.
24. My son's personal assistants need to get paid for their work. It is their job to provide him with 12-hours per day of nighttime care, and they depend on the income.

Dated: April 2, 2025
Brooklyn, New York

DocuSigned by:
SARAH KLEIN
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Sarah Klein